MONTANA LEGISLATIVE HISTORY

Chapter 347 1987

Bill H 443 S _____ Original bill & history ✓ C

H. Committee on Business & Labor			S. Committee on Business & Industry		
Hearing Date(s)	2-5	C	Hearing Date(s)	3-11	C
	2-10	C			C
		C			C
		C			C
Date Out	2-10	C	Date Out	3-11	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

3/03	HEARING		
3/04	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	47	0
3/09	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/11	SIGNED BY SPEAKER		
3/12	SIGNED BY PRESIDENT		
3/12	TRANSMITTED TO GOVERNOR		
3/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 123 EFFECTIVE DATE: 10/01/87		

HB 442 INTRODUCED BY MERCER, ET AL.
LIMIT PUNITIVE DAMAGES

1/24	INTRODUCED		
1/24	REFERRED TO JUDICIARY		
2/04	HEARING		
2/13	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	63	37
2/17	3RD READING PASSED	65	33
	TRANSMITTED TO SENATE		
2/19	REFERRED TO JUDICIARY		
3/12	HEARING		
3/26	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	50	0
3/30	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/07	2ND READING AMENDMENTS NOT CONCURRED	76	12
4/07	FREE CONFERENCE COMMITTEE APPOINTED		
4/16	FREE CONFERENCE COMMITTEE REPORT		
4/20	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	88	8
4/21	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	89	10
	SENATE		
4/09	FREE CONFERENCE COMMITTEE APPOINTED		
4/16	FREE CONFERENCE COMMITTEE REPORT		
4/17	2ND READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	50	0
4/20	3RD READING FREE CONFERENCE COMMITTEE REPORT ADOPTED	47	3
4/22	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/23	TRANSMITTED TO GOVERNOR		
4/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 627 EFFECTIVE DATE: 10/01/87		

HB 443 INTRODUCED BY CORNE', ET AL.
REVISING LAWS RELATING TO PRACTICE AND LICENSURE OF PSYCHOLOGY

1/24	INTRODUCED		
1/24	REFERRED TO BUSINESS & LABOR		
2/05	HEARING		
2/10	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/12	2ND READING PASSED AS AMENDED	98	0
2/14	3RD READING PASSED	90	4

	TRANSMITTED TO SENATE		
2/16	REFERRED TO BUSINESS & INDUSTRY		
3/11	HEARING		
3/13	STATEMENT OF INTENT ATTACHED AS AMENDED		
3/13	COMMITTEE REPORT--BILL CONCURRED		
3/18	2ND READING CONCURRED	48	0
3/20	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
3/25	2ND READING AMENDMENTS CONCURRED	97	0
3/26	3RD READING AMENDMENTS CONCURRED	93	6
3/31	SIGNED BY SPEAKER		
4/01	SIGNED BY PRESIDENT		
4/01	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 347 EFFECTIVE DATE: 10/01/87		

HB 444 INTRODUCED BY RAMIREZ, ET AL.
ADJUST RATES FOR INDIVIDUAL INCOME TAX AND CORPORATION TAX TO PREVENT "WINDFALL"

1/24	INTRODUCED		
1/24	REFERRED TO TAXATION		
1/24	FISCAL NOTE REQUESTED		
1/26	FISCAL NOTE RECEIVED		
2/13	HEARING		
3/19	TABLED IN COMMITTEE		

HB 445 INTRODUCED BY COHEN, ET AL.
REMOVING REQUIREMENT THAT DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES' DIRECTOR BE A PHYSICIAN

1/24	INTRODUCED		
1/24	REFERRED TO STATE ADMINISTRATION		
2/04	HEARING		
2/04	COMMITTEE REPORT--BILL NOT PASSED		
2/05	ADVERSE COMMITTEE REPORT ADOPTED	73	24

HB 446 INTRODUCED BY SWITZER
SUSPEND BEEF RESEARCH AND MARKETING ASSESSMENT

1/26	INTRODUCED		
1/26	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/27	FISCAL NOTE REQUESTED		
1/30	HEARING		
2/02	FISCAL NOTE RECEIVED		
2/07	COMMITTEE REPORT--BILL PASSED		
2/10	2ND READING PASSED	96	0
2/11	3RD READING PASSED	95	1
	TRANSMITTED TO SENATE		
2/12	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
3/04	HEARING		
3/05	COMMITTEE REPORT--BILL CONCURRED		
3/09	2ND READING CONCURRED	50	0
3/11	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
3/14	SIGNED BY SPEAKER		

Form CS-32
Rev. 1985

STATUS SHEET

50th LEGISLATIVE SESSION

BUSINESS AND LABOR COMMITTEE

HOUSE BILL NUMBER	ENTERED COM. DATE	DATE CON-SIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CON-CURRED IN DATE	BE NOT CON-CURRED IN DATE	BE CON-CURRED IN AMENDED DATE	BE NOT CONCURRE IN AS AMENDED DATE
439	1/24/87	2/4/87	2/4/87			2/4/87					
440	1/24/87	2/4/87	2/4/87	2/4/87							
441	1/24/87	2/4/87	2/4/87	2/4/87							
443	1/24/87	2/5/87	2/10/87			2/10/87					
449	1/27/87	2/17/87	2/17/87			2/17/87					
466	1/27/87	2/18/87	2/18/87	2/18/87							
471	1/27/87	1/30/87	2/9/87			2/9/87					
473	1/27/87	2/10/87	2/9/87	2/9/87							
475	1/27/87	2/10/87	2/14 referred to Judiciary								
476	1/29/87	2/10/87	2/11/87			2/11/87					
487	1/30/87	2/10/87	2/11/87	2/11/87							
488	1/30/87	2/11/87	2/11/87			2/11/87					
497	1/30/87	2/11/87	2/11/87				2/11/87				
499	1/30/87	2/10/87	2/11/87	2/11/87							

se a separate sheet for Senate Bills, House Bills, and Resolutions.

INTRODUCED BY House BILL NO. 443

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF THE PRACTICE OF PSYCHOLOGY; CLARIFYING CONDITIONS UNDER WHICH AN UNLICENSED EMPLOYEE OF A GOVERNMENTAL AGENCY OR CHARITABLE OR EDUCATIONAL INSTITUTION MAY USE AN OFFICIAL TITLE THAT INCLUDES "PSYCHOLOGIST"; CLARIFYING THE EDUCATIONAL QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST; REDUCING THE EXPERIENCE REQUIRED FOR REEXAMINATION; REVISING THE AUTHORITY OF THE BOARD OF PSYCHOLOGISTS TO DISCIPLINE LICENSEES; DEFINING PSYCHOLOGISTS AS HEALTH CARE PROVIDERS; GRANTING IMMUNITY FROM LIABILITY TO PSYCHOLOGISTS WHO REPORT VIOLATIONS IN GOOD FAITH; AMENDING SECTIONS 37-17-102, 37-17-104, 37-17-302, 37-17-303, 37-17-311, AND 50-16-302, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-17-102, MCA, is amended to read:

"37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1851.

(3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to individuals, groups, corporations, or the public, whether or not he does so for compensation or fee.

(5) (a) "Practice of psychology" means the ~~application---while---representing---oneself---to---be----a psychologist---of--principles---methods---and--procedures-of understanding---predicting---and-influencing-behavior---such-as the---principles---pertaining---to---learning---perception---motivation----thinking----emotions----and---interpersonal relationships---the-methods-and-procedures--of--interviewing---counseling----and----behavior----modification----including psychotherapeutic-techniques-and-hypnosis---and-constructing---administering---and-interpreting-tests-of--mental--abilities---aptitudes---interests---attitudes---personality characteristics---emotions---and---motivation~~ observation, description, interpretation, and modification of human

INTRODUCED BILL
HB 443

behavior by the application of psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior and improving interpersonal relations, work and life adjustment, personal effectiveness, and mental health.

(b) The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders or disabilities, chemical dependency, substance abuse, and the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation."

Section 2. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. This chapter does not prevent:

(1) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology" or "psychologist";

(2) the activities, services, and use of an official

title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational or charitable institution insofar as these activities and services are a part of the duties of his office or position with the agency or institution;

(3) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of his supervised course of study;

(4) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of his residence to perform these activities and services; however, these persons shall report to the department the nature and extent of the services in this state if they exceed 10 days in a calendar year;

(5) a person authorized by the laws of the state or country of his former residence to perform activities and services, who has recently become a resident of this state

and who has applied for a license in this state, from performing such activities and services pending disposition of his application;

(6) the use of the term "social psychologist" by a person who:

(a) has been graduated with a doctoral degree in sociology or social psychology from an institution and whose credits in sociology or social psychology are acceptable by a recognized educational institution;

(b) has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or who has had equivalent specialized training in social psychology; and

(c) has filed with the department a statement of facts demonstrating his compliance with this subsection;

(7) the offering of lecture services for a fee by a person exempted from licensing requirements by virtue of his employment;

(8) activities of a psychological nature on the part of a person who is a salaried employee of an accredited academic institution, governmental agency, research laboratory, or business corporation if he is performing the duties for which he is employed by the organization within the confines of the organization."

Section 3. Section 37-17-302, MCA, is amended to read:

"37-17-302. Application -- qualifications. (1) Application for examination for licensing a psychologist shall be made on forms prescribed by the board.

(2) The board shall license as a psychologist any person who pays the prescribed fee, passes the prescribed examination, and submits evidence by oath that he:

(a) is a resident of or shows satisfactory evidence of intent to become a resident of this state at the time he is licensed;

(b) is at least 18 years of age;

(c) is of good moral character;

(d) (i) has received a doctoral degree ~~based on a program of studies, primarily psychological in content,~~ in clinical psychology from an accredited college or university having an appropriate graduate program approved by the American psychological association; or

(ii) has received a doctoral degree in clinical psychology from an accredited college or university not approved by the American psychological association and has successfully completed a formal graduate retraining program approved by the American psychological association; or

(iii) has received a doctoral degree in psychology from an accredited college or university after successfully completing a course of studies that meets the minimum standards specified in rules adopted by the board; and

(e) ~~has completed~~ at the time of application a minimum of 2 years of experience in the practice, research, or teaching of psychology. One year of this experience shall be post doctoral."

Section 4. Section 37-17-303, MCA, is amended to read:

"37-17-303. Examination. (1) The department shall administer examinations to qualified applicants for licensing at least once a year, subject to 37-1-101. The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Examinations may be written, oral, or both. The board shall determine an acceptable level of performance for each examination.

(2) An applicant who fails his first examination may be reexamined at a subsequent examination on the payment of another examination fee. An applicant who fails two successive examinations may apply for reexamination after ~~2~~ years 1 year of additional professional experience or training."

Section 5. Section 37-17-311, MCA, is amended to read:

"37-17-311. Denial or revocation of license -- grounds -- notice and hearing. (1) ~~A license applied for or issued under this chapter may be refused or revoked by the board on proof~~ The board may refuse or revoke a license applied for or issued under this chapter or apply other disciplinary

sanctions on finding that the person to whom the license was issued:

(a) has been guilty of fraud or deceit in securing the license or a renewal;

(b) is using or has used a narcotic or an alcoholic beverage to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

(c) has been guilty of unprofessional conduct as defined by the ~~code of ethics~~ rules adopted by the board.

(2) The board may not revoke or refuse to issue or renew a license for any cause other than failure to pay fees unless the person is given notice and opportunity for a hearing before the board."

Section 6. Section 50-16-302, MCA, is amended to read:

"50-16-302. Definitions. As used in this part, the following definitions apply:

(1) "Health care provider" means a person, corporation, facility, or institution licensed by this state to provide health care services.

(2) "Health care services" means medical or psychological diagnosis, treatment, ~~medical~~ evaluation, advice, or other activities permitted under the health care licensing statutes of this state.

(3) "Confidential health care information" means

information obtained by a health care provider relating to health care history, diagnosis, condition, treatment, or evaluation.

(4) "Peer review committee" means a committee of a state or local professional ~~medical society~~ organization of health care providers or of a medical staff of a licensed hospital or other health care facility that is operated pursuant to written bylaws approved by the governing board of the hospital or other health care facility or approved by an organization of health care providers and formed pursuant to state or federal law and authorized by law to evaluate health care services.

(5) "Third party" means a person or entity other than the person to whom the confidential health care information relates and other than a health care provider.

(6) "Qualified person" means a person whose training and experience is appropriate to the nature and level of work in which he is engaged and who, when working as part of an organization, is performing the work with published and adequate administrative safeguards against unauthorized disclosures.

(7) "Administration" includes but is not limited to accreditation, reimbursement, liability risk management, appraisal, and defense or prosecution of legal actions."

NEW SECTION. Section 7. Immunity from liability.

There is no liability on the part of and no cause of action may arise against a psychologist for a statement made in good faith in reporting another psychologist's apparent violation of the provisions of this chapter or rules adopted by the board.

NEW SECTION. Section 8. Extension of authority. Any existing authority of the board of psychologists to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 9. Codification instruction. Section 7 is intended to be codified as an integral part of Title 37, chapter 17, part 3, and the provisions of Title 37 apply to section 7.

NEW SECTION. Section 10. Applicability date. Section 3 applies to individuals who apply for initial licensure under 37-17-302 on or after October 1, 1987.

-End-

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
50TH LEGISLATIVE SESSION

February 5, 1987

The meeting of the Business and Labor Committee was called to order by Chairman Les Kitselman on February 5, 1987 at 8:00 a.m. in Room 312-F of the State Capitol.

ROLL CALL: All members were present.

HOUSE BILL NO. 432 - Impounded Pet Act, sponsored by Rep. Hal Harper, House District No. 44, Helena. Rep. Harper stated that this bill is about animals and what kind and when they could be used for experimental testing. He said the amendments he had submitted removes the following references from the bill: any animals that are under the supervision of physicians and veterinarians that are licensed and practicing in the state of Montana; wild animals because the Department of Fish, Wildlife, and Parks has wild animals which they try to replace on forest lands, but if they can't, and there is no place to put them, they are given to research facilities for some sort of testing; and removes out of state pound animals.

Rep. Harper commented that this bill provides that animal shelters in this state are to either have domestic animals adopted by qualified people or to euthanize them, and prohibits any kind of laboratory connection to the shelter. He said the purpose is that if a person takes a pet to the Humane Society, they should know if the animal will be placed in a home, euthanized, or sold to a laboratory for testing and experimentation. Exhibit No. 1.

PROPONENTS

Barbara Dahlgren, President of the Federated Humane Societies of Montana, Missoula, submitted written testimony. Exhibit No. 2.

Judith Fenton, Secretary Treasurer of the Federated Humane Societies of Montana, submitted written testimony. Exhibit No. 3.

Susan Edwards, Director of Education, Humane Society, Helena. Ms. Edwards stated that her testimony was a letter from Mikal Kellner, Director of the Animal Shelter who could not be present at the hearing. Exhibit No. 4.

Jan Davidson, Cascade County Director, Humane Society, Great Falls. Ms. Davidson showed the committee a picture of where

techniques developed on the laboratory animals, excellence of the surgery was achieved. She said that the use of laboratory animals was essential for that type of surgery, pediatric cases and other heart surgeries.

Georgia Medvit, Board of American Diabetes Association, and Helena Diabetic Support Group Leader. Ms. Medvit presented a statement from the officers of the Montana Affiliate American Diabetes Association. Exhibit No. 8.

QUESTIONS

Rep. Simon asked what research facilities in the state of Montana use cats and dogs. Dr. McMillan responded that he was the only person in the state that uses pound animals on a semi regular basis, and because they are respecting the wishes of the humane societies that they have contacted, they are not presently getting the pound animals from Montana.

CLOSING

Rep. Harper stated that the bill did not prohibit the use of animals in research, and did not affect anyone in the state of Montana. He said the bill protects the owners of pets in knowing how their pets will be disposed of and in the manner they want. He reiterated the position of the American Veterinarian Medical Association that their organization acknowledges that laws and regulations regarding the use of animals in biomedical research are adequate, but have not been sufficiently funded, consistently enforced, and fully implemented to ensure humane care and treatment of animals.

HOUSE BILL NO. 425 - Revise Experience and Education Requirements for Engineer License, sponsored by Rep. Dick Corne, House District No. 77, Bozeman. Rep. Corne asked that, since the proponents did not wish to pursue the bill, the committee table or kill the bill.

EXECUTIVE ACTION

Rep. Thomas moved to TABLE House Bill No. 425. The motion carried unanimously.

HOUSE BILL NO. 443 - Revising Laws Relating To Practice and Licensure of Psychology, sponsored by Rep. Dick Corne, House District No. 77, Bozeman. Rep. Corne stated that this bill was at the request of the Montana Board of Psychologists which clarifies the law, and he reviewed the changes that would occur.

PROPONENTS

Arthur Beaman, Chairman, Board of Psychologists, and on the faculty of Department of Psychology, University of Montana. Dr. Beaman submitted written testimony. He also submitted amendments proposed by the Board of Psychologists. Exhibit Nos. 9 and 10.

Dr. Richard Emery, Clinical Psychologist, and member of Board of Psychologists. Dr. Emery stated that passage of this bill would help clarify the practice of psychology and clarify the educational requirements for licensure of psychology, thereby protecting the public by ensuring that only qualified persons are licensed. He said this would also protect psychologists who report in good faith ethical violations by their colleagues to the board.

OPPONENTS

None.

QUESTIONS

None.

CLOSING

Rep. Corne asked the committee to consider the amendment he proposed and favorable action on the bill.

HOUSE BILL NO. 437 - Authority for Cease and Desist Orders by Insurance Commissioner, sponsored by Rep. Charles Swysgood, House District No. 73, Dillon. Rep. Swysgood stated that this bill is an act to create a cease and desist authority for the Commissioner of Insurance. He stated the bill would be a primary tool by which the Montana Securities Department enforces the securities acts of Montana, and presently, the Commissioner of Insurance does not have that authority. He said the only enforcement available is administrative action which may result in a fine but does not cease the violation. He distributed and explained the amendments. Exhibit No. 11.

PROPONENTS

Andrea Bennett, State Auditor. Ms. Bennett cited an example with the Life of Montana Insurance Company of Bozeman, that they have been in litigation with over its financial condition and other related problems. She said these problems provide a clear example of how the use of the cease and desist provisions could prevent some serious problems for the insurance consumer. She said their options in stopping these deceptive practices were limited; they could take administrative action against the company and fine them if

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date February 5, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

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ARTHUR L. BEAMAN, PH.D.

Mr. Chairman, members of the committe my name is Dr. Arthur Beaman. I am the Chair of the Board of Psychologists and am on the faculty in the Department of Psychology at the University of Montana. This is my third year on the board and, as you know, the board is concerned with the protection of the public. When a person represents herself or himself as a psychologist the public has a right ~~to~~ to know that the title implies some minimal level of training and competence. Additionally the board must evaluate credentials, administer the national licensing exam, and process complaints made against licenced psychologists.

The proposed revision in our law ~~allows~~ follows advice from our lawyer to produce consistency ~~so that we are consistent~~ with other Montana licensing laws. Also protection is ~~provided~~ provided so complainants are protected from liability facilating an objective and fair dispostion of ethical complaints.

The revisions also represents an attempt by the board to assist and facilitate the licensed professionals by updating the section of the practice of psychology. The changes produces consistency with other state laws by adopting the national suggested statement of the practice of psychology. The change maintains currency in the description of contempory psychology practice. The statement reflects activities that psychologists now do - activities pertaining to other professional group are unaffected and no extensions beyond current endeavors are made. ~~Maintains possible licensure in other states by reciprocity is facilitated here also.~~ This change also keeps Montana abreast of national considerations so our licensed psychologists may benefit by qualifying for licensure by reciprocity in other states.

Ever since the first licensing bill for psychologists in the early 1970's there ~~has~~ been ambiguities in interpreting the educational requirements. For example I am a social psychologist and am not trained to provide clinical mental health services to the public. I publish research in the areas of social and personality. ~~I am trained to provide a variety of activities 1978 when I wanted to do some private consulting services for example I current consulting of a nature for which I am trained evaluate the effectiveness of a bilingual I needed to be licensed. been program.~~ Yet I needed to become licensed in 1978 in order to perform a consulting job for which I was qualified because our law seemed to apply to all psychologists. We on the board spend a large amount of time evaluating credentials and corresponding with persons who wonder whether they qualify for licensure. We wish to improve the clarity of our law to remove some ambiguity while maintaining the current standards and the current spirit of the law.

The subspeciality in psychology that trains persons to provide therapeutic services is called Clinical psychology. The change in our law maintains the educational level at the doctoral level but more clearly indicates that it pertains to clinical psychology. As research provides new knowledge and new techniques the American Psychological Association updates requirements which training programs must meet in order to be approved. Our bill refers to these APA standards thus ~~providing~~ avoiding the necessity of revising our bill every time ~~changes~~ improvements in the field require alterations in educational programs.

Since our current bill became law APA has clearly ~~set~~ stated methods whereby a doctoral level non-clinical ~~psychologist~~ may be retrained in clinical psychology. We have included in our proposed revision a section incorporating this so that persons ~~who~~

so trained ~~a~~ will be able to ~~b~~ take the examination ~~for~~ licensure.

Lastly persons who have appropriate training but have received that training in a non-traditional program or a program in the process of being approved by APA may ~~be licen~~ qualify for licensure by demonstrating they have the educational preparation specified by the board.

The board strongly feels that passing this bill will profit potential applicants by adding clarity, will reduce unnecessary efforts ~~of the board~~ made by the board in attempting to clarify the requirements on a case by case basis. Of most importance is ~~maintain~~ maintaining standards so the public will be protected and may be assured that anyone representing him or herself as a psychologists

2/5/87
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The board wishes to amend section 37-17-302(d)(ii) to read:

(ii) has received a doctoral degree in psychology from an accredited college or university and has successfully completed formal clinical graduate retraining in a program approved by the American psychological association.

VISITORS' REGISTER

BUSINESS AND LABOR COMMITTEE

BILL NO. House Bill No. 443 DATE February 5, 1987

SPONSOR Rep. Dick Corne

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
JIM WHITEHEAD	KY DEPT OF PSP	✓	
AFC DEATON	" " "	✓	
Rep Dick Corne		✓	
RICK EMERY	KY DEPT OF PSP	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
50TH LEGISLATIVE SESSION

February 10, 1987

The meeting of the Business and Labor Committee was called to order by Chairman Les Kitselman on February 10, 1987 at 8:00 a.m. in Room 312-F of the State Capitol.

ROLL CALL: All members were present.

HOUSE BILL NO. 476 - Confidentiality of Video Draw Poker Machine Income Statistics, sponsored by Rep. Bud Gould, House District 61, Missoula. Rep. Gould commented there were three groups of people that make profits from poker machines: the coin operators who own the machines, the tavern owners and the burglars who break into the machines. He said the bill is intended provide that the poker machines would be under the supervision of the Department of Commerce, and the department can disclose the amount taken in during a previous quarter and the range as far as net profit is concerned, but not disclose the locations of the machines. He stated that his proposed amendments would take the Department of Revenue out of the bill, but this is not an effort to withhold the amount of revenue generated by the poker machines confidential or to keep anything from the legislature, audit committee, or the Department of Revenue or Commerce. He said all those records would be there, but the location of the machines would not be disclosed.

PROPONENTS

John Poston, Lobbyist for Coin Machine Operators Association. Mr. Poston stated that the first statistical reports from the machines were published in the newspaper disclosing the locations of the various machines and the income from them, and after that there was a rash of burglaries. He said he was asked to file a lawsuit, and after discussing this with the Department of Revenue attorneys, they became aware that in the previous legislative session, the confidentiality portion of the bill had been left out, so they decided to ask the legislature at this session to see if the problem could be resolved. He said in the bill they are attempting to prohibit the publication of income from an individual machine and its location.

Phil Benson, Montana Music Rentals in Missoula. Mr. Benson reported that as a direct result of the newspaper article in December, 1985, they have had to add security precautions even though they don't leave any money on the premises. He

ACTION ON HOUSE BILL NO. 443

Chairman Kitselman moved that House Bill No. 443 DO PASS.

Chairman Kitselman moved the amendments. The motion carried unanimously.

Chairman Kitselman moved that House Bill No. 443 DO PASS AS AMENDED. The motion carried unanimously.

Rep. Nisbet moved the Statement of Intent for House Bill No. 443. The motion carried unanimously.

ACTION ON HOUSE BILL NO. 562

Rep. Simon moved that House Bill No. 562 DO PASS.

Rep. Jones moved the amendments proposed by Roger Tippy. Exhibit No. 4.

He stated the amendments removed table wine from the liquor stores, since it was an item that did not make much money, the distributors were happy to do this.

Rep. Driscoll asked did the amendments mean a person could not buy table wine in the state liquor stores or agency stores. Rep. Simon explained if the bill passes, there won't be any state liquor stores, there either will be a bar or a privately owned liquor store. He said almost all the wine sold in the state is from the private distributors, and the package stores would obtain the wine from a distributor.

Rep. Jones's motion was voted on and carried with Reps. Bachini, Driscoll, Hansen, McCormick, Nisbet, and Wallin opposed.

Rep. Jones moved the amendments proposed by the subcommittee. Exhibit No. 5.

Rep. Pavlovich stated that the amendments makes it possible for a tavern owner to buy from another tavern rather than borrowing a liquor product that he did not have enough of and needs.

Rep. Simon stated that the amendment also ensures that the product has to be initially purchased from the state warehouse.

Rep. Simon stated that the bill provides that in a locality a group of bars could go together and get an endorsement and buy the product and have it come into one location. He said one person might want to be the supplier in the area and he

DAILY ROLL CALL

BUSINESS & LABOR COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date February 10, 1987

NAME	PRESENT	ABSENT	EXCUSED
REP. LES KITSELMAN, CHAIRMAN	✓		
REP. FRED THOMAS, VICE-CHAIRMAN	✓		
REP. BOB BACHINI	✓		
REP. RAY BRANDEWIE	✓		
REP. JAN BROWN	✓		
REP. BEN COHEN	✓		
REP. JERRY DRISCOLL	✓		
REP. WILLIAM GLASER	✓		
REP. LARRY GRINDE	✓		
REP. STELLA JEAN HANSEN	✓		
REP. TOM JONES	✓		
REP. LLOYD MCCORMICK	✓		
REP. GERALD NISBET	✓		
REP. BOB PAVLOVICH	✓		
REP. BRUCE SIMON	✓		
REP. CLYDE SMITH	✓		
REP. CHARLES SWYSGOOD	✓		
REP. NORM WALLIN	✓		

CS-30

STANDING COMMITTEE REPORT

February 10 19 87

Mr. Speaker: We, the committee on BUSINESS AND LABOR

report HOUSE BILL NO. 443

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☒ statement of intent attached

REP. LES KITSELMAN Chairman

AMENDMENT AS FOLLOWS:

1) Page 6, lines 21 through 25
Following: "association;" on line 21
Strike: the remainder of line 21, lines 22 through 24 in their entirety, and line 25 through "board;"

FIRST reading copy (WHITE color)

HOUSE BILL NO. 443

STATEMENT OF INTENT

A statement of intent is required for this bill because section 5 delegates authority to the board of psychologists to adopt rules defining unprofessional conduct for the purpose of establishing postlicensing conduct standards for licensees. Violation of the standards may be grounds for license disciplinary action.

Chairman.

STATE PUB. CO.
Helena, Mont.

CHAIRMAN--SEN. ALLEN C. KOLSTAD
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: MON THRU FRI TIME: 10:00 A.M.

SECRETARY-CAROLYN LINDEN

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0439	2/10	3/03	3/3/87; 3/5/87	CONCUR AS AMENDED		3/5/87
GRADY, ED			CODIFYING LAWS ON RISK RETENTION GROUPS AND PURCHASING GROUPS			
HB0440	2/10	3/03	3/3/87	CONCUR		3/3/87
GRADY, ED			DISAPPROVE INSURANCE POLICY WITH "DEFENSE COSTS WITHIN LIMITS" PROVISION			
HB0441	2/10	3/03	3/3/87	CONCUR		3/3/87
GRADY, ED			PRO RATA CANCELLATION OF FINANCED INSURANCE POLICY			
HB0443	2/16	3/11	3/11/87	CONCUR		3/11/87
CORNE, DICK			REVISING LAWS RELATING TO PRACTICE AND LICENSURE OF PSYCHOLOGY			
HB0449	2/23	3/11	3/11/87; 3/17/87	CONCUR		3/17/87
MARKS, BOB			INVESTING PART OF RETIREMENT FUNDS AND COAL TAX TRUST IN VENTURE CAPITAL			
HB0466	3/02	3/20	3/20/87; 3/26/87	CONCUR AS AMENDED		3/26/87
BROWN, DAVE			EXTEND VETERANS' AND HANDICAP PREFERENCE TO COLLEGES AND UNIVERSITIES			
HB0471	2/16				PUBLIC HEALTH	
DARKO, PAULA			PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS			
HB0473	2/13	3/13	3/13/87	CONCUR		3/13/87
BRANDEWIE, RAY			LICENSE, REGULATE REAL ESTATE PROPERTY MANAGEMENT BROKERS			
HB0476	2/16	3/05	3/5/87	CONCUR		3/5/87
GOULD, BUDD			CONFIDENTIALITY OF VIDEO DRAW POKER MACHINE INCOME STATISTICS			
HB0487	2/16	3/17	3/17/87	CONCUR		3/17/87
THOMAS, FRED			INSURANCE CONSULTANTS' LICENSE			
HB0488	2/16	3/20	3/20/87	CONCUR		3/20/87
RAMIREZ, JACK			EXTEND TERMINATION OF MEDICAL LIABILITY JOINT UNDERWRITING ASSOCIATION			

STATEMENT OF INTENT

HOUSE BILL 443

House Business and Labor Committee

A statement of intent is required for this bill because section 5 delegates authority to the board of psychologists to adopt rules defining unprofessional conduct for the purpose of establishing postlicensing conduct standards for licensees. Violation of the standards may be grounds for license disciplinary action.

THIRD READING
HB 443

HOUSE BILL NO. 443

INTRODUCED BY CORNE', PATTERSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF THE PRACTICE OF PSYCHOLOGY; CLARIFYING CONDITIONS UNDER WHICH AN UNLICENSED EMPLOYEE OF A GOVERNMENTAL AGENCY OR CHARITABLE OR EDUCATIONAL INSTITUTION MAY USE AN OFFICIAL TITLE THAT INCLUDES "PSYCHOLOGIST"; CLARIFYING THE EDUCATIONAL QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST; REDUCING THE EXPERIENCE REQUIRED FOR REEXAMINATION; REVISING THE AUTHORITY OF THE BOARD OF PSYCHOLOGISTS TO DISCIPLINE LICENSEES; DEFINING PSYCHOLOGISTS AS HEALTH CARE PROVIDERS; GRANTING IMMUNITY FROM LIABILITY TO PSYCHOLOGISTS WHO REPORT VIOLATIONS IN GOOD FAITH; AMENDING SECTIONS 37-17-102, 37-17-104, 37-17-302, 37-17-303, 37-17-311, AND 50-16-302, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-17-102, MCA, is amended to read:

"37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1851.

(3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to individuals, groups, corporations, or the public, whether or not he does so for compensation or fee.

(5) (a) "Practice of psychology" means the ~~application---while---representing---oneself---to---be----a psychologist,--of--principles,--methods,--and--procedures-of understanding,-predicting,-and-influencing-behavior,-such-as the---principles---pertaining---to---learning,---perception, motivation,----thinking,----emotions,----and---interpersonal relationships;-the-methods-and-procedures--of--interviewing, counseling,----and----behavior----modification,----including psychotherapeutic-techniques-and-hypnosis;-and-constructing, administering,-and-interpreting-tests-of--mental--abilities, aptitudes,-------interests,------attitudes,------personality characteristics,--emotions,--and---motivation~~ observation, description, interpretation, and modification of human

behavior by the application of psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior and improving interpersonal relations, work and life adjustment, personal effectiveness, and mental health.

(b) The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders or disabilities, chemical dependency, substance abuse, and the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation."

Section 2. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. This chapter does not prevent:

(1) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology" or "psychologist";

(2) the activities, services, and use of an official

title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational or charitable institution insofar as these activities and services are a part of the duties of his office or position with the agency or institution;

(3) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of his supervised course of study;

(4) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of his residence to perform these activities and services; however, these persons shall report to the department the nature and extent of the services in this state if they exceed 10 days in a calendar year;

(5) a person authorized by the laws of the state or country of his former residence to perform activities and services, who has recently become a resident of this state

and who has applied for a license in this state, from performing such activities and services pending disposition of his application;

(6) the use of the term "social psychologist" by a person who:

(a) has been graduated with a doctoral degree in sociology or social psychology from an institution and whose credits in sociology or social psychology are acceptable by a recognized educational institution;

(b) has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or who has had equivalent specialized training in social psychology; and

(c) has filed with the department a statement of facts demonstrating his compliance with this subsection;

(7) the offering of lecture services for a fee by a person exempted from licensing requirements by virtue of his employment;

(8) activities of a psychological nature on the part of a person who is a salaried employee of an accredited academic institution, governmental agency, research laboratory, or business corporation if he is performing the duties for which he is employed by the organization within the confines of the organization."

Section 3. Section 37-17-302, MCA, is amended to read:

"37-17-302. Application -- qualifications. (1) Application for examination for licensing a psychologist shall be made on forms prescribed by the board.

(2) The board shall license as a psychologist any person who pays the prescribed fee, passes the prescribed examination, and submits evidence by oath that he:

(a) is a resident of or shows satisfactory evidence of intent to become a resident of this state at the time he is licensed;

(b) is at least 18 years of age;

(c) is of good moral character;

(d) (i) has received a doctoral degree ~~based on a program of studies, primarily psychological in content,~~ in clinical psychology from an accredited college or university having an appropriate graduate program approved by the American psychological association; ~~or~~

(ii) has received a doctoral degree in ~~clinical~~ psychology from an accredited college or university not approved by the American psychological association and has successfully completed a formal graduate retraining program IN CLINICAL PSYCHOLOGY approved by the American psychological association; ~~or~~ OR

~~(iii) has received a doctoral degree in psychology from an accredited college or university after successfully completing a course of studies that meets the minimum~~

~~standards specified in rules adopted by the board;~~ (III) HAS RECEIVED A DOCTORAL DEGREE IN PSYCHOLOGY FROM AN ACCREDITED COLLEGE OR UNIVERSITY, AND WHOSE COURSE OF STUDIES MEETS MINIMUM STANDARDS SPECIFIED IN RULES BY THE BOARD; and

(e) has completed at the time of application a minimum of 2 years of experience in the practice, research, or teaching of psychology. One year of this experience shall be post doctoral."

Section 4. Section 37-17-303, MCA, is amended to read:

"37-17-303. Examination. (1) The department shall administer examinations to qualified applicants for licensing at least once a year, subject to 37-1-101. The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Examinations may be written, oral, or both. The board shall determine an acceptable level of performance for each examination.

(2) An applicant who fails his first examination may be reexamined at a subsequent examination on the payment of another examination fee. An applicant who fails two successive examinations may apply for reexamination after ~~2 years~~ 1 year of additional professional experience or training."

Section 5. Section 37-17-311, MCA, is amended to read:

"37-17-311. Denial or revocation of license -- grounds

-- notice and hearing. (1) ~~A license applied for or issued under this chapter may be refused or revoked by the board on proof~~ The board may refuse or revoke a license applied for or issued under this chapter or apply other disciplinary sanctions on finding that the person to whom the license was issued:

(a) has been guilty of fraud or deceit in securing the license or a renewal;

(b) is using or has used a narcotic or an alcoholic beverage to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

(c) has been guilty of unprofessional conduct as defined by the ~~code of ethics~~ rules adopted by the board.

(2) The board may not revoke or refuse to issue or renew a license for any cause other than failure to pay fees unless the person is given notice and opportunity for a hearing before the board."

Section 6. Section 50-16-302, MCA, is amended to read:

"50-16-302. Definitions. As used in this part, the following definitions apply:

(1) "Health care provider" means a person, corporation, facility, or institution licensed by this state to provide health care services.

(2) "Health care services" means medical or

psychological diagnosis, treatment, ~~medical~~ evaluation, advice, or other activities permitted under the health care licensing statutes of this state.

(3) "Confidential health care information" means information obtained by a health care provider relating to health care history, diagnosis, condition, treatment, or evaluation.

(4) "Peer review committee" means a committee of a state or local professional ~~medical society~~ organization of health care providers or of a medical staff of a licensed hospital or other health care facility that is operated pursuant to written bylaws approved by the governing board of the hospital or other health care facility or approved by an organization of health care providers and formed pursuant to state or federal law and authorized by law to evaluate health care services.

(5) "Third party" means a person or entity other than the person to whom the confidential health care information relates and other than a health care provider.

(6) "Qualified person" means a person whose training and experience is appropriate to the nature and level of work in which he is engaged and who, when working as part of an organization, is performing the work with published and adequate administrative safeguards against unauthorized disclosures.

(7) "Administration" includes but is not limited to accreditation, reimbursement, liability risk management, appraisal, and defense or prosecution of legal actions."

NEW SECTION. Section 7. Immunity from liability. There is no liability on the part of and no cause of action may arise against a psychologist for a statement made in good faith in reporting another psychologist's apparent violation of the provisions of this chapter or rules adopted by the board.

NEW SECTION. Section 8. Extension of authority. Any existing authority of the board of psychologists to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 9. Codification instruction. Section 7 is intended to be codified as an integral part of Title 37, chapter 17, part 3, and the provisions of Title 37 apply to section 7.

NEW SECTION. Section 10. Applicability date. Section 3 applies to individuals who apply for initial licensure under 37-17-302 on or after October 1, 1987.

-End-

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 11, 1987

The thirty-second meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 10:06 a.m. on March 11, 1987 in Room 410 of the Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 94: Rep. Clyde Smith, House District 5, Kalispell, chief sponsor, said the bill makes it optional for the state workers' compensation fund to be a member of a rating organization. Presently, the fund must belong to such an organization and this merely makes it optional.

PROPONENTS: Jim Murphy, Bureau Chief for the State Fund, said the division supports HB 94 and explained his written testimoney which is attached. (EXHIBIT 1) He explained that the National Council on Compensation Insurance, to which they belong, adjusts premiums to policyholders based on their actual experience and they do this for, not only the State Fund, but for all insurance carriers in the state of Montana and many other states. The State Fund is required to belong to this NCCI at the present time. He said they have been experiencing some problems in obtaining the experience mod factors on a timely basis and may have problems in the future getting experience mod factors, because of the rate structure here, which truly represent the experience of the policyholders. He urged passage of HB 94 which would give them the flexibility to deal with any problems in the future before a crisis and they would be unable to act because of current statutory language.

Keith Olson, Executive Director of the Montana Logging Association, said that as a result of this, private carriers have quit writing workers' compensation in the state of Montana, those customers have had to go to the State Fund for coverage and that Fund has to obtain from NCCI an experience modification for those people. As much as a year after going to the State Fund from the private sector, some of their members, received experience mods that were back dated to the first of each fiscal year. On December 23 of 1986, one of the members received an experience mod of 1.48, effective July 1, 1986 which gave him an unfunded premium of $23,000 which he suddenly owed the state. This has happened several times since, he said. He said they believed this legislation would help the state put their clients on a proper operating schedule much quicker.

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 94: Chairman Kolstad called for questions from the committee. Sen. Boylan asked if this would be contracted out, done in-house and how much did it cost to obtain this information. Mr. Murphy said that presently they

far, in 10 companies and at the moment all of them appear to be healthy and basically on schedule.

Sen. Walker asked if this money could be used anywhere; it doesn't have to be used in Montana. Rep. Marks said it could be invested in any capital companies anyplace. The advantage is that it gets money in from out of state in interest earned.

Sen. Neuman asked Mr. Howeth of the Board of Investments, under their current structure, if they had staff enough to assess these types of investments. Mr. Howeth said their staff is currently somewhat overburdened but the merger of those two boards would alleviate some of those problems. Sen. Neuman then asked if those two boards weren't merged, would they have a difficult time assessing the investments they would make under this bill. Mr. Howeth replied that was correct.

Sen. Neuman said it had been his experience that those members from the retirement systems were the most conservative members of the board and asked Rep. Marks if he had discussed this with them and were they in support of this. Rep. Marks responded that it had been discussed with a couple of them and there seemed to be a difference of opinion on it; one of them didn't understand the bill and the other one did understand the bill and expressed support for it, however, none of them were present to support or oppose the bill. Rep. Marks said the worst investment the board could make would be the one that doesn't earn as much money as they could get elsewhere.

There being no further questions, Rep. Marks. closed on HB 449.

CONSIDERATION OF HOUSE BILL NO. 443: Rep. Dick Corne', House District 77, Bozeman, sponsor, said the bill generally amends the laws relating to the licensure of psychologists. It redefines the practice of psychology, clarifies the educational qualifications for psychologists, reduces the work experience required for reexamination, and defines psychologists as health care providers. The bill provides that an applicant for licensure must have a doctorate degree in psychology. Presently, an applicant who has a doctorate degree based on a program of studies "primarily psychological in content" may be licensed.

PROPONENTS: Dr. Arthur Beaman, Chairman of the Board of Psychologists and on the faculty on the Department of Psychology at the UofM, Missoula, supported HB 443 and submitted his written testimony. (EXHIBIT 2)

OPPONENTS: There were no opponents.

DISCUSSION OF HOUSE BILL NO. 443: Chairman Kolstad called for questions from the committee members. Sen. Walker asked Dr. Beaman why there was a reduction in the experience required for reexamination. Dr. Beaman said they thought two years was a

long time to wait after failing the test twice. That would mean he would have to work under supervision for two years.

There being no further questions from the committee, Rep. Corne' closed on the bill, stating that if the committee concurred in the bill, Sen. Hager would be willing to carry it in the Senate.

The hearing was closed on HB 443.

DISPOSITION OF HOUSE BILL NO. 443: Sen. Williams MOVED HB 443 BE CONCURRED IN, seconded by Sen. Walker, with the Statement of Intent. However, Ms. McCue said she had a problem with the Statement of Intent in that it appeared to be just statements of fact and the purpose of the statement is to give some directive as to what kind of rules are needed. Therefore, she felt there should be some language added defining unprofessional conduct. She asked the committee for their feeling. She felt they should contact the sponsor to see if there was some directive he would like to put in the statement or if he was satisfied with it as it is.

Chairman Kolstad asked if there could be a simple statement added to the end of the statement of intent to make it a little more complete. Ms. McCue said that would be possible and she didn't think it satisfied the requirement of a statement of intent as it is now. It contains nothing as to the rulemaking. She said if they could tell her what kind of rules they wanted, she could put it into the proper verbage.

Dr. Beaman said there is already concern in the law regarding alcohol abuse and drug abuse as unprofessional conduct. Ms. McCue said perhaps a statement could be added saying that these rules should follow what they are using now and asked Dr. Beaman to advise her on those rules.

Sen. Neuman asked if this, in any way, expanded the third party payment and Dr. Beaman said currently, a psychologist licensed in the state, does have third party reimbursement - nothing would change in that area.

The question being called, the MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 569: Sen. Walker MOVED HB 569 BE CONCURRED IN, seconded by Sen. Meyer. The MOTION CARRIED UNANIMOUSLY.

DISCUSSION OF HOUSE BILL NO. 240: Chairman Kolstad inquired of Ms. McCue if she had done anything on HB 240. Amendments were proposed by Carl England to which Mr. Drake was adamantly opposed. Sen. Walker commented that this was covered in other sections of the bill, according to Mr. Robischon at the hearing, and therefore, the amendment was not needed. He had no problem with the bill as written.

ROLL CALL

Business & Industry COMMITTEE

50th LEGISLATIVE SESSION -- 1987 Date 3/11/87

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER	✓		
HARRY H. McLANE	✓		
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER	✓		
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

SENATE BUSINESS & INDUSTRY
EXH'BIT NO. 2
DATE 3/11/87
BILL NO. SB 443

TESTIMONY TO THE SENATE
STANDING COMMITTEE
BUSINESS AND INDUSTRY

March 11, 1987
Arthur L. Beaman, Ph.D.
Professor of Social Psychology
University of Montana
Chairman: Board of Psychologists

Mr. Chairman, members of the committee, my name is Dr. Arthur Beaman. I am the Chair of the Board of Psychologists and am on the faculty on the Department of Psychology at the University of Montana. This is my third year on the board and, as you know, the board is concerned with the protection of the public. When a person represents herself or himself as a psychologist the public has a right to know that the title implies some minimal level of training and competence. Additionally the board must evaluate credentials, administer the national licensing examination, and process complaints made against licensed psychologists.

The proposed revision in our law follows advice from our lawyer to produce consistency with other Montana licensing laws. Also protection is provided so complainants are protected from liability facilitating objective and fair disposition of ethical complaints.

The revision also represents an attempt by the board to assist and facilitate the licensed professionals by updating the section of the practice of psychology. The changes produce consistency with other state laws by adopting the national suggested statement of the practice of psychology. The change maintains currency in the description of contemporary psychology practice. The statement reflects activities that psychologists now do - activities pertaining to other professional groups are unaffected and no extension beyond current endeavors are made. This change also keeps Montana abreast of national considerations so our licensed psychologists may benefit by qualifying for licensure by reciprocity in other states.

Ever since Montana's passage of the first licensing bill for psychologists in the early 1970's there has been ambiguities in interpreting the educational requirements. For example I am a social psychologists and am not trained to provide clinical mental health services to the public. I do publish research in the related areas of social and personality. Yet I needed to become licensed in 1978 in order to perform a consulting job for which I was qualified because our law seemed to apply to all psychologists. We on the board spend a large amount of time evaluating credentials and corresponding with persons who wonder whether they qualify for licensure. We wish to improve the clarity of our law to remove some ambiguity while maintaining the current standards and the current spirit of the law.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 2
DATE 3-11-87
BILL NO. H.B. 443

The subspecialty in psychology that trains persons to provide therapeutic services is called clinical psychology. The change in our law maintains the educational level at the doctoral level but more clearly indicates that it pertains to clinical psychology. As research provides new knowledge and new techniques, and therefore new training needs, the American Psychological Association updates requirements which university programs must meet in order to be approved. Our bill refers to these APA standards thus avoiding the necessity of revising our bill every time improvements in the field require alterations in educational programs.

Additionally since our current bill became law APA has clearly stated methods whereby a doctoral level nonclinical psychologists may be retrained in clinical psychology. We have included in our proposed revision a section incorporating this so that persons so trained will be able to take the examination for licensure.

Lastly, persons who have appropriate training but have received that training in a nontraditional program or a program in the process of being approved by APA may qualify for licensure by demonstrating they have acceptable educational preparation as referred to in the revised law.

The board strongly feels that passing this bill will profit potential applicants by adding clarity, will reduce unnecessary efforts made by the board in attempting to clarify the requirements on a case by case basis. Of most importance is maintaining standards so the public will be protected and may be assured that anyone representing him or herself as a psychologist has the required credentials.

Thank you.

February 23, 1987

Business and Industry Committee
% Montana Legislature
Capitol Building
Helena, Montana 59620

To: All Members of the Business and Industry Committee,

I am writing to express my support of House Bill No. 443 as introduced by Assemblyman Dick Corne. **I am particularly in favor of the proposed amendments to section 37-17-302; educational qualifications for licensure as a psychologist in Montana.**

As a private citizen, who is currently in clinical psychological training, with a preference to practise in my native Montana, **I adjure you to vote "yes"; or marshall support with those who may vote, in order that amendments to section 37-17-302 might pass.**

As I read the documents, the present amendments to section 37-17-302 would **serve the best interest of the citizens of Montana by ensuring a common standard of excellence in the educational training of psychologists.** These proposed educational qualifications for licensure would be consistent with accepted national standards (ie. American Psychological Association) without being exclusionary (ie. 37-17-302 (d)(iii)) of other quality training programs.

Sincerely,

Tom Morscheck M.A

Tom Morscheck, M.A.
14120 Foster Road
La Mirada, CA 90638

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
ANNIE BARTOS	MONTANA MEDICAL ASSO	HB 505	✓	
[illegible]	" " "	HB505	✓	
Don Ingels	Mt Chamber of Commerce	HB449	✓	
M.F. HAMILL	Montana Board Med Exam	HB 505	✓	
Sam Hubbard	Science & Technology All.	HB449	✓	
Jean McCarthy	Dir. Workers Comp State Fund	HB 94	—	
DICK BARTLETT	OPI COLP of MT	HB 449	✓	
[illegible]	MONT. BELL	HB449	✓	
Brenda Seliga	~~Montana Coalition~~ Board of Psychologists	HB443	✓	
Arthur L Braman	Board of Psychologists	HB443	✓	
Jim Harrison	Bitterroot Valley	HB449		

(Please leave prepared statement with Secretary.)

STANDING COMMITTEE REPORT

SENATE

March 11, 1987

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 443

THIRD reading copy (BLUE color)

REVISING LAWS RELATING TO PRACTICE AND LICENSURE OF PSYCHOLOGY

CORNE (WILLIAMS)

Respectfully report as follows: That HOUSE BILL No. 443 be amended as follows:

1. Statement of Intent, line 9.
Following: "licensees."
Insert: "Using the ethical standards of american psychological association as a guide, the board shall adopt rules consistent with its duty to protect the public's health, safety, and welfare."

AND AS AMENDED,
BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Allen C. Kolstad

SENATOR ALLEN C. KOLSTAD, Chairman.

3-11

STATEMENT OF INTENT

HOUSE BILL 443

House Business and Labor Committee

A statement of intent is required for this bill because section 5 delegates authority to the board of psychologists to adopt rules defining unprofessional conduct for the purpose of establishing postlicensing conduct standards for licensees. USING THE ETHICAL STANDARDS OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION AS A GUIDE, THE BOARD SHALL ADOPT RULES CONSISTENT WITH ITS DUTY TO PROTECT THE PUBLIC'S HEALTH, SAFETY, AND WELFARE. Violation of the standards may be grounds for license disciplinary action.

Montana Legislative Council

REFERENCE BILL
HB 443

HOUSE BILL NO. 443

INTRODUCED BY CORNE', PATTERSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF THE PRACTICE OF PSYCHOLOGY; CLARIFYING CONDITIONS UNDER WHICH AN UNLICENSED EMPLOYEE OF A GOVERNMENTAL AGENCY OR CHARITABLE OR EDUCATIONAL INSTITUTION MAY USE AN OFFICIAL TITLE THAT INCLUDES "PSYCHOLOGIST"; CLARIFYING THE EDUCATIONAL QUALIFICATIONS FOR LICENSURE AS A PSYCHOLOGIST; REDUCING THE EXPERIENCE REQUIRED FOR REEXAMINATION; REVISING THE AUTHORITY OF THE BOARD OF PSYCHOLOGISTS TO DISCIPLINE LICENSEES; DEFINING PSYCHOLOGISTS AS HEALTH CARE PROVIDERS; GRANTING IMMUNITY FROM LIABILITY TO PSYCHOLOGISTS WHO REPORT VIOLATIONS IN GOOD FAITH; AMENDING SECTIONS 37-17-102, 37-17-104, 37-17-302, 37-17-303, 37-17-311, AND 50-16-302, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-17-102, MCA, is amended to read:

"37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1851.

(3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to individuals, groups, corporations, or the public, whether or not he does so for compensation or fee.

(5) (a) "Practice of psychology" means the ~~application---while---representing---oneself---to---be----a psychologist---of--principles---methods---and--procedures-of understanding---predicting---and-influencing-behavior---such-as the---principles---pertaining---to---learning---perception---motivation---thinking---emotions---and---interpersonal relationships---the-methods-and-procedures--of--interviewing---counseling---and----behavior----modification---including psychotherapeutic-techniques-and-hypnosis---and-constructing---administering---and-interpreting-tests-of--mental--abilities---aptitudes---interests---attitudes---personality characteristics---emotions---and---motivation~~ observation, description, interpretation, and modification of human

behavior by the application of psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior and improving interpersonal relations, work and life adjustment, personal effectiveness, and mental health.

(b) The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders or disabilities, chemical dependency, substance abuse, and the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation."

Section 2. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. This chapter does not prevent:

(1) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology" or "psychologist";

(2) the activities, services, and use of an official

title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational or charitable institution insofar as these activities and services are a part of the duties of his office or position with the agency or institution;

(3) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of his supervised course of study;

(4) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of his residence to perform these activities and services; however, these persons shall report to the department the nature and extent of the services in this state if they exceed 10 days in a calendar year;

(5) a person authorized by the laws of the state or country of his former residence to perform activities and services, who has recently become a resident of this state

and who has applied for a license in this state, from performing such activities and services pending disposition of his application;

(6) the use of the term "social psychologist" by a person who:

(a) has been graduated with a doctoral degree in sociology or social psychology from an institution and whose credits in sociology or social psychology are acceptable by a recognized educational institution;

(b) has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or who has had equivalent specialized training in social psychology; and

(c) has filed with the department a statement of facts demonstrating his compliance with this subsection;

(7) the offering of lecture services for a fee by a person exempted from licensing requirements by virtue of his employment;

(8) activities of a psychological nature on the part of a person who is a salaried employee of an accredited academic institution, governmental agency, research laboratory, or business corporation if he is performing the duties for which he is employed by the organization within the confines of the organization."

Section 3. Section 37-17-302, MCA, is amended to read:

"37-17-302. Application -- qualifications. (1) Application for examination for licensing a psychologist shall be made on forms prescribed by the board.

(2) The board shall license as a psychologist any person who pays the prescribed fee, passes the prescribed examination, and submits evidence by oath that he:

(a) is a resident of or shows satisfactory evidence of intent to become a resident of this state at the time he is licensed;

(b) is at least 18 years of age;

(c) is of good moral character;

(d) (i) has received a doctoral degree ~~based-on-a program-of-studies,-primarily-psychological-in--content,~~ in clinical psychology from an accredited college or university having an appropriate graduate program approved by the American psychological association; or

(ii) has received a doctoral degree in ~~clinical~~ psychology from an accredited college or university not approved by the American psychological association and has successfully completed a formal graduate retraining program IN CLINICAL PSYCHOLOGY approved by the American psychological association; or OR

~~(iii)-has-received-a-doctoral-degree-in-psychology-from an--accredited--college--or--university--after--successfully completing-a--course--of--studies--that--meets--the--minimum~~

~~standards specified in rules adopted by the board;~~ (III) HAS RECEIVED A DOCTORAL DEGREE IN PSYCHOLOGY FROM AN ACCREDITED COLLEGE OR UNIVERSITY, AND WHOSE COURSE OF STUDIES MEETS MINIMUM STANDARDS SPECIFIED IN RULES BY THE BOARD; and

(e) has completed at the time of application a minimum of 2 years of experience in the practice, research, or teaching of psychology. One year of this experience shall be post doctoral."

Section 4. Section 37-17-303, MCA, is amended to read:

"37-17-303. Examination. (1) The department shall administer examinations to qualified applicants for licensing at least once a year, subject to 37-1-101. The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Examinations may be written, oral, or both. The board shall determine an acceptable level of performance for each examination.

(2) An applicant who fails his first examination may be reexamined at a subsequent examination on the payment of another examination fee. An applicant who fails two successive examinations may apply for reexamination after ~~2 years~~ 1 year of additional professional experience or training."

Section 5. Section 37-17-311, MCA, is amended to read:

"37-17-311. Denial or revocation of license -- grounds

-- notice and hearing. (1) ~~A license applied for or issued under this chapter may be refused or revoked by the board on proof~~ The board may refuse or revoke a license applied for or issued under this chapter or apply other disciplinary sanctions on finding that the person to whom the license was issued:

(a) has been guilty of fraud or deceit in securing the license or a renewal;

(b) is using or has used a narcotic or an alcoholic beverage to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

(c) has been guilty of unprofessional conduct as defined by the ~~code of ethics~~ rules adopted by the board.

(2) The board may not revoke or refuse to issue or renew a license for any cause other than failure to pay fees unless the person is given notice and opportunity for a hearing before the board."

Section 6. Section 50-16-302, MCA, is amended to read:

"50-16-302. Definitions. As used in this part, the following definitions apply:

(1) "Health care provider" means a person, corporation, facility, or institution licensed by this state to provide health care services.

(2) "Health care services" means medical or

psychological diagnosis, treatment, ~~medical~~ evaluation, advice, or other activities permitted under the health care licensing statutes of this state.

(3) "Confidential health care information" means information obtained by a health care provider relating to health care history, diagnosis, condition, treatment, or evaluation.

(4) "Peer review committee" means a committee of a state or local professional ~~medical-society~~ organization of health care providers or of a medical staff of a licensed hospital or other health care facility that is operated pursuant to written bylaws approved by the governing board of the hospital or other health care facility or approved by an organization of health care providers and formed pursuant to state or federal law and authorized by law to evaluate health care services.

(5) "Third party" means a person or entity other than the person to whom the confidential health care information relates and other than a health care provider.

(6) "Qualified person" means a person whose training and experience is appropriate to the nature and level of work in which he is engaged and who, when working as part of an organization, is performing the work with published and adequate administrative safeguards against unauthorized disclosures.

(7) "Administration" includes but is not limited to accreditation, reimbursement, liability risk management, appraisal, and defense or prosecution of legal actions."

NEW SECTION. Section 7. Immunity from liability. There is no liability on the part of and no cause of action may arise against a psychologist for a statement made in good faith in reporting another psychologist's apparent violation of the provisions of this chapter or rules adopted by the board.

NEW SECTION. Section 8. Extension of authority. Any existing authority of the board of psychologists to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 9. Codification instruction. Section 7 is intended to be codified as an integral part of Title 37, chapter 17, part 3, and the provisions of Title 37 apply to section 7.

NEW SECTION. Section 10. Applicability date. Section 3 applies to individuals who apply for initial licensure under 37-17-302 on or after October 1, 1987.

-End-